

SEP 28 2007

JOHN F. CORCORAN, CLERK  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MARCUS D. YOUNG,

Petitioner,

v.

DEPARTMENT OF

CORRECTIONS,

Respondent.

Civil Action No. 7:07-cv-00426

FINAL ORDER

By: Glen E. Conrad

United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the above referenced civil action, construed by the court as a petition for habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Proceedings. Any pending motions are hereby **DENIED as MOOT**, and the action is hereby **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 28<sup>th</sup> day of September, 2007.



United States District Judge